

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RENARD T. POLK,

Plaintiff,

v.

KELLY BELLANGER, et al.,

Defendants.

3:14-cv-73-MMD-VPC

ORDER

**I. DISCUSSION**

On February 5, 2014, defendants removed this case from the Sixth Judicial District Court to this Court. (Dkt. no. 1.) On April 14, 2014, this Court issued a screening order permitting Counts I, III, V, and VIII to proceed. (Dkt. no. 5 at 9.) The screening order dismissed Counts II, IV, IX, and X with prejudice and dismissed Counts VI and VII with leave to amend. (*Id.*) The Court directed Plaintiff to file his amended complaint no later than May 15, 2014. (*Id.*) The Court informed Plaintiff that if he chose not to file an amended complaint, this action would proceed on Counts I, III, V, and VIII only. (*Id.* at 10.) Plaintiff has not filed an amended complaint. As such, Counts I, III, V, and VIII shall proceed as specified in this Court's April 14, 2014 screening order.

**II. CONCLUSION**

For the foregoing reasons, it is ordered that Counts I, III, V, and VIII shall proceed as specified in this Court's April 14, 2014 screening order (dkt. no. 5).

It is further ordered that given the nature of the claim(s) that the Court has permitted to proceed, this action is stayed for ninety (90) days to allow Plaintiff and Defendants an


1 opportunity to settle their dispute before an answer is filed or the discovery process begins.  
2 During this ninety-day stay period, no other pleadings or papers shall be filed in this case, and  
3 the parties shall not engage in any discovery. The Court will decide whether this case will be  
4 referred to the Court's Inmate Early Mediation Program, and the Court will enter a subsequent  
5 order. Regardless, on or before ninety (90) days from the date this order is entered, the Office  
6 of the Attorney General shall file the report form attached to this order regarding the results  
7 of the 90-day stay, even if a stipulation for dismissal is entered prior to the end of the 90-day  
8 stay. If the parties proceed with this action, the Court will then issue an order setting a date  
9 for Defendants to file an answer or other response. Following the filing of an answer, the  
10 Court will issue a scheduling order setting discovery and dispositive motion deadlines.

11 It is further ordered that "settlement" may or may not include payment of money  
12 damages. It also may or may not include an agreement to resolve Plaintiff's issues differently.  
13 A compromise agreement is one in which neither party is completely satisfied with the result,  
14 but both have given something up and both have obtained something in return.

15 It is further ordered that the Clerk of the Court shall electronically serve a copy of this  
16 order and a copy of Plaintiff's complaint on the Office of the Attorney General of the State of  
17 Nevada, attention Kat Howe.

18 It is further ordered that the Attorney General's Office shall advise the Court within  
19 twenty-one (21) days of the date of the entry of this order whether it will enter a limited notice  
20 of appearance on behalf of Defendants for the purpose of settlement. No defenses or  
21 objections, including lack of service, shall be waived as a result of the filing of the limited notice  
22 of appearance.

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24 DATED: This 21<sup>st</sup> day of May, 2014.

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27 UNITED STATES MAGISTRATE JUDGE  
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DISTRICT OF NEVADA

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3:14-cv-73-MMD-VPC

REPORT OF ATTORNEY GENERAL  
RE: RESULTS OF 90-DAY STAY

NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM. THE  
INMATE PLAINTIFF SHALL NOT FILE THIS FORM.

On \_\_\_\_\_ [*the date of the issuance of the screening order*], the Court  
issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C.  
§ 1915A, and that certain specified claims in this case would proceed. The Court ordered the  
Office of the Attorney General of the State of Nevada to file a report ninety (90) days after the  
date of the entry of the Court's screening order to indicate the status of the case at the end  
of the 90-day stay. By filing this form, the Office of the Attorney General hereby complies.

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**REPORT FORM**

[Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

**Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator during the 90-day stay.** [If this statement is accurate, check **ONE** of the six statements below and fill in any additional information as required, then proceed to the signature block.]

\_\_\_\_\_ A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have reached a settlement (even if paperwork to memorialize the settlement remains to be completed). (If this box is checked, the parties are on notice that they must **SEPARATELY** file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.)

\_\_\_\_\_ A mediation session with a court-appointed mediator was held on \_\_\_\_\_ [enter date], and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-day stay, but the parties have nevertheless settled the case. (If this box is checked, the parties are on notice that they must **SEPARATELY** file a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in this case until a specified date upon which they will file a stipulation of dismissal.)

\_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-day stay, but one is currently scheduled for \_\_\_\_\_ [enter date].

\_\_\_\_\_ No mediation session with a court-appointed mediator was held during the 90-day stay, and as of this date, no date certain has been scheduled for such a session.

\_\_\_\_\_ None of the above five statements describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

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**Situation Two: Informal Settlement Discussions Case: The case was NOT assigned to mediation with a court-appointed mediator during the 90-day stay; rather, the parties were encouraged to engage in informal settlement negotiations.** [If this statement is accurate, check **ONE** of the four statements below and fill in any additional information as required, then proceed to the signature block.]

\_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the parties have reached a settlement (even if the paperwork to memorialize the settlement remains to be completed). (If this box is checked, the parties are on notice that they must **SEPARATELY** file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in this case until a specified date upon which they will file a stipulation of dismissal.)

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\_\_\_\_\_ The parties engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ The parties have not engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

\_\_\_\_\_ None of the above three statements fully describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

Submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by:

Attorney Name: \_\_\_\_\_  
Print Signature

Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_\_  
Email: \_\_\_\_\_